

CITY OF ALAMO HEIGHTS
CITY COUNCIL
February 22, 2010

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, February 22, 2010.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Susan Harwell
Councilmember Stan McCormick
Councilmember Bobby Rosenthal
Councilmember Jill Souter

Also attending were:

City Manager Ann Benson McGlone
Assistant City Manager/Public Works Director Shawn P. Eddy
City Attorney Mike Brenan
Communication/IT Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Brian Chandler
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Jennifer Reyna
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

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Mayor Louis Cooper called the meeting to order at 5:33 p.m.

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Mayor Cooper asked City Council for any corrections to the minutes of the February 8, 2010, City Council Meeting. A motion was made by Mayor Pro Tem Susan Harwell to approve the minutes of February 8, 2010 as amended. The motion was seconded by Councilmember Bobby Rosenthal and passed by 3 ayes (Mayor Pro Tem Harwell, Councilmembers Rosenthal and Souter) and 0 nays.

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Item # 2 City Manager's Report

a. Briefing on installation of pervious concrete sidewalks and driveway with conventional non-pervious approach and sidewalks

Assistant City Manager/Public Works Director Shawn P. Eddy provided a PowerPoint presentation that included background information on the project. Mr. Eddy

announced that a pervious concrete demonstration by the Cement Council of Texas is scheduled for March 4th @ 11:00 a.m. behind City Council Chambers. The Cement Council of Texas is funding the project which includes the donation of 25 yards of pervious concrete from Alamo Cement. New sidewalks will also be added on the north side of the Council Chambers to complement new sidewalks along Blue Bonnet Boulevard.

Mr. Eddy reviewed the benefits of pervious concrete and provided a sample of pervious concrete. Pervious Concrete is recognized by the Environmental Protection Agency (EPA) as a best management practice. Mr. Eddy distributed flyers to the City Council regarding detailed information about pervious concrete which were also made available to the public.

Councilmember Rosenthal asked about the cost of installation of pervious coverage versus the traditional concrete. Mr. Eddy stated since pervious concrete does not require steel rebar, it is currently 20% - 24% more related to costs and it also depends on the application.

Councilmember Souter asked about the interaction of the pervious concrete and traditional concrete used by residential owners, existing projects in Bexar County and if the material has the ability to resist the soil. Mr. Eddy responded that the differing concretes can be connected but are typically not. Mr. Eddy also stated that several citizens have expressed interest in the City offering incentives for the installation of pervious concrete. As of now, planning and research is being coordinated among City staff.

Responding to Councilmember Souter's question, Sean Van Delist, Architectural Program Manager, Cement Council of Texas, stated that three O'Reilly Auto Parts Stores are structurally functioning. A small installation of pervious concrete has been done at the HB Zachry Headquarters and there are several applications within the San Antonio Zoo, Africa Live exhibit. He referenced a 10-year old application in the Austin area and a 13-year old application in Houston that have demonstrated favorable experiences with the concrete and Texas soil combination.

Mayor Pro Tem Harwell asked about the effects oil drainage from motor vehicles on the pervious concrete and about the application of pervious concrete on sidewalks and curbs. Mr. Van Delist stated that pervious concrete allows for bioremediation of hazardous chemicals such as oil and that it is not typically used for curbs but common for sidewalks.

b. Presentation of the new resident packet

Communication/IT Manager Marian Ramirez presented a draft of the new resident packet. Information such as the history and facts of Alamo Heights, City services, Police Department, CPS Energy, Alamo Heights Independent School District, and Bexar County information will be included in the residential packet. Ms. Ramirez is seeking input on additional information that may be helpful to new residents prior to final production. An electronic version would also be available on the City's website, once finalized.

Mayor Cooper suggested including contact information such as cable providers and newspaper information.

c. Census 2010 Update

City Secretary Jennifer Reyna announced that April 1, 2010 is Census Day. The U. S. Census Bureau will mail questionnaires during the week of March 15th. A U.S. Census Bureau representative will be available at City Hall during regular business hours March 19th -- April 19th to provide assistance in completing the questionnaire. Questionnaires will also be available at City Hall if a resident did not receive a questionnaire. Information will also be in the March newsletter and on the City's website.

d. Dog Park Update

Community Development Director Brian Chandler invited the community to attend a Design Workshop to gather community input for a proposed dog park. The workshop is scheduled for Saturday, February 27th from 9:00 a.m. – 11:00 a.m. at the City Council Chambers. For more information please contact Mr. Chandler at (210) 832-2250 or via email, bchandler@alamoheightstx.gov.

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Citizens To Be Heard Concerning Non-Agenda Items

Peter DeWitt, 136 Harrison Avenue, Chairman of the new committee – Community Association of Alamo Heights, stated the organization's mission statement and announced the organization's website will be displayed tomorrow, February 23rd and an email address has been established. Mr. DeWitt stated the Community Association of Alamo Heights is a 501c3 organization that is prepared to assist the City and the community in events such as the 4th of July Parade, Neighborhood Night Out, and city beautification projects as outlined in the City's Comprehensive Plan. He briefly mentioned other upcoming projects that included Spirit Day.

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Consent Items

Item # 4 Mayor Cooper read the following captions.

Consideration of a request by the Alamo Heights High School (AHHS) Band Association to hold a 5K/10K Run on March 6, 2010, beginning at 7:00 a.m. until 10:30 a.m. to stage and end at the Alamo Heights ISD Administration Office, 7101 Broadway

Item # 5 **Consideration of Architectural Review Board Case No. 357F, submitted by Michael Wakely, requesting approval on a building permit for proposed exterior paint scheme form the building at 5939 Broadway a property zoned (B-1) Business District**

A motion for approval was made by Councilmember Souter for Consent Items # 4 and 5. The motion was seconded by Mayor Pro Tem Harwell. The motion passed by unanimous vote.

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Mayor Cooper announced that Item # 8 would be considered.

Items for Individual Consideration

Item # 8 Mayor Cooper read the following caption.

Consideration of Architectural Review Board Case No. 355F, submitted by San Antonio Country Club, requesting approval on a building permit for 157 – 159 Burr Road for a proposed parking area including landscape, irrigation, and lighting at a property zoned (P) Parking

Community Development Director Brian Chandler made a PowerPoint presentation that included background information, a site plan and elevations. The Architectural Review Board (ARB) recommended approval with conditions that the requestor remove the existing drive approach on Burr Road and replace the curb line.

No written or email communication has been received in support or opposition of the ARB case.

Mayor Pro Tem Harwell asked about the heritage trees on the property. Mr. Chandler stated that a 12 1/2-inch Pecan tree will be removed, the 15-inch Pecan tree and two Palm trees would be preserved. A 21-inch Mesquite tree will be removed because of the site plan. He stated the trees that will be removed are not heritage trees. Replacement trees that are being considered are Cedar Elms and Mountain Laurels.

Mayor Pro Tem Harwell asked Mr. Chandler if anyone attended the ARB meeting when this item was considered. Mr. Chandler responded there were two gentlemen who attended. Mr. George Schroeder expressed concern about the drainage. The ARB and Pape Dawson Engineer Gary Smith explained the drainage would be away from Mr. Schroeder's property.

A motion for approval was made by Councilmember Rosenthal subject to the modifications required by the ARB. The motion was seconded by Councilmember McCormick. The motion passed by unanimous vote.

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 1856

**AN ORDINANCE ORDERING APPROVING AND
AUTHORIZING A 20-YEAR FRANCHISE AGREEMENT
WITH CPS ENERGY FOR THE TRANSMISSION,**

DISTRIBUTION AND SALE OF ELECTRICITY AND GAS SERVICES WITHIN THE CITY OF ALAMO HEIGHTS IN CONSIDERATION FOR A FRANCHISE FEE OF THREE PERCENT (3%) OF CPS ENERGY'S GROSS RECEIPTS FROM THE SALE OF SUCH ELECTRICITY AND GAS SERVICES

Assistant City Manager/Public Works Director Shawn P. Eddy provided a PowerPoint presentation on the CPS Energy Franchise Agreement. Staff recommended approval.

Mr. Eddy stated the renewal of the existing non-exclusive franchise agreement with CPS Energy is for the provision of electric and gas service for a 20-year term. The agreement will continue the collection of 3% of gross receipts from the sale of electricity and gas within the City.

Councilmember Rosenthal asked about the determination of a 20-year agreement. Mr. Eddy stated that CPS Energy proposed the 20-year term. Councilmember Souter asked about the term of the prior agreement. Mr. Eddy responded 20 years.

A motion for approval was made by Mayor Pro Tem Harwell. The motion was seconded by Councilmember Souter. The motion passed by unanimous vote.

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Mayor Cooper announced that Item # 9 would be considered next.

Staff Reports

Item # 9 **Briefing on several issues involving CPS Energy including: 1) update on testing of electrical transformers for PCBs; 2) report on City's participation in the Windtricity program; and 3) the proposed CIED project on Broadway and Blue Bonnet Boulevard**

Assistant City Manager/Public Works Director Shawn P. Eddy presented a briefing on the issues associated with CPS Energy.

Mr. Eddy acknowledged Ricardo Lopez, Director of Distribution Engineering, CPS Energy, and Roland Hinojosa, representative of Economic Development, CPS Energy.

Mr. Eddy provided an update on the testing of PCB transformers by CPS Energy which included background information and the result of the pilot project. The pilot project demonstrated a significantly low incidence of PCB contamination in transformers. The current program for managing potentially PCB-contaminated transformers is appropriate per CPS Energy.

Mayor Cooper thanked Mr. Lopez and his staff for the extensive testing to fulfill City Council's request. Councilmember McCormick stated this serves as an example of

how government and service providers can be flexible in negotiating to comply with each other's requests. Mr. Eddy stated that CPS Energy was responsive and constantly communicated with City staff.

Mr. Eddy provided background information about the Windtricity program. The actual cost increase has not been determined but is expected by the end of the period, June 2010. Mr. Eddy may report to City Council about costs at a future date. In order to be considered as a Green Power Community by the Environmental Protection Agency (EPA), Alamo Heights needs 26 additional residents to meet the 3% requirement determined by EPA based on kilowatt hours and usage. Currently, Alamo Heights has 147 Windtricity customers (2.66%).

Universal City is currently the only recognized Green Power Community in Texas at a 2% clientele. Mr. Hinojosa stated that another city in the surrounding area will soon be announced as a Green City Community and there are marketing materials available when partnered as a Green City Community from CPS Energy and EPA.

Mayor Cooper suggested Windtricity information be included in the upcoming new residential packet and provide reminders to residents about the Windtricity program in the March newsletter.

City Council discussed the prices of Windtricity. Mayor Pro Tem Harwell asked if the price will decrease. Mr. Hinojosa replied that Windtricity consists of many components including market prices, wind power, and the price of natural gas, however; the price of Windtricity is expected to increase in June 2010.

Mr. Eddy presented the total estimated cost of a proposed project for the conversion of all overhead utilities surrounding the municipal complex on Broadway and Blue Bonnet Boulevard and provided the balance in the Community Infrastructure and Economic Development (CIED) fund and balance forfeit.

The City Council discussed about pros and cons of the project and a recommendation by staff for CPS Energy to be able to retain the remaining balance of CIED funds, \$16,103; that are subject to forfeiture in 2010 to offset some of their internal costs related to the design if the City elects not to proceed with the proposed project.

Mayor Pro Tem Harwell suggested the lamp poles such as the ones located on Castano Avenue be placed elsewhere in the city. Mr. Eddy responded that most existing street lights are attached to the utility poles and the number of poles will doubled unless the overhead utilities are moved underground. Mr. Lopez reminded City Council of the required thresholds that have to be met for decorative lights.

Mayor Pro Tem Harwell expressed appreciation for CPS Energy's assistance. She stated that although the project will not be undertaken now a plan has been developed and may be used in the future. Councilmember Rosenthal stated the City needs to consider other projects for use of the CIED funds. Councilmember McCormick suggested the underground conversion for the rest of Broadway as a possible project. Mayor Pro Tem

Harwell added that underground conversion instills a security benefit against massive disasters.

Mr. Eddy complimented CPS Energy's staff for their professionalism and recommended that City staff explore other ways to utilize the CIED Fund.

City Council agreed that the proposed project of underground conversion of overhead utility lines around the City's complex would not be pursued. City Council provided guidance in exploring other projects to utilize the CIED Fund.

Mr. Hinojosa stated that CPS Energy staff has spent a tremendous amount of time with City staff and thanked Mr. Eddy for his time. He also thanked the consultant engineers under the guidance of Mr. Rick Lopez for the best coordination. Mr. Hinojosa stated the CIED Fund program is being reviewed to make the funds more flexible.

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Mayor Cooper announced that Item # 7 will be considered next.

Items for Individual Consideration

Item # 7 Mayor Cooper read the following caption.

ORDINANCE NO. 1857

AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD WATER TANK LICENSE AGREEMENT WITH CLEAR WIRE, LLC FOR THE PLACEMENT OF UP TO FOUR (4) ANTENNAS AND APPURTENANCES INITIALLY ON THE CITY'S 300,000 GALLON WATER TOWER AND EVENTUALLY ON THE CITY'S 600,000 GALLON WATER TOWER FOR A TERM OF TEN (10) YEARS AND AN ANNUAL FEE OF \$42,436.00 PLUS A THREE PERCENT (3%) INCREASE PER YEAR

Assistant City Manager/Public Works Director Shawn P. Eddy made a PowerPoint presentation that reviewed the agreement with Clear Wire LLC. Staff recommended approval.

Mayor Cooper stated that residents have commented to him that ever since items have been placed on the TMI water tower, the bats have left the neighborhood because of the interaction with the bat's radar.

Councilmember Rosenthal asked about the calculation rate per year. Mr. Eddy stated it is based on the number of antennas. Mr. Eddy stated another option in calculating the cost of the agreement may be considered in the future. Mayor Cooper recommended re-evaluating the method and presenting to City Council in the future.

Councilmember McCormick recalled the City using a consultant in New Braunfels that understood the market and land value and stated experts may be hired to assist with reviewing the City's telecommunications policies.

Councilmember Souter asked if all the agreements have been executed. Mr. Eddy replied that there is a renewal agreement with Sprint that will be forthcoming and two amendments with AT&T and Verizon.

A motion for approval was made by Mayor Pro Tem Harwell. The motion was seconded by Councilmember Rosenthal. The motion passed by unanimous vote.

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Mayor Cooper announced that Item # 10 would be considered next.

Staff Reports

Item # 10 **Briefing on the 2009 Police Contact Tier 1 Data Annual Report prepared in compliance with the Texas Racial Profiling Law**

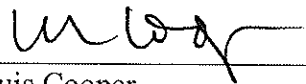
Police Chief Rick Pruitt provided a briefing on the 2009 Police Contact Tier 1 Data Annual Report.

Chief Pruitt stated that the 2009 Police Contact Tier 1 Data Annual report verified the Alamo Heights Police Department has complied with the law requirements set forth in the Texas Racial Profiling law. There were no citizen complaints regarding racial profiling during the year of 2009 and for the prior four years.

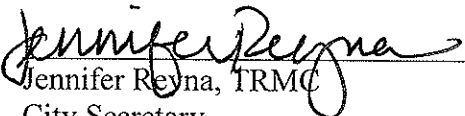
Mayor Cooper complimented Chief Pruitt on the Police Department's performance.

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There being no further business, a motion was made by Councilmember McCormick to adjourn the meeting. A motion was seconded by Councilmember Jill Souter and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:20 p.m.



Louis Cooper
Mayor



Jennifer Reyna, TRMC
City Secretary